Remarks

Applicant thanks the Examiner for the careful consideration given this application and for the helpful telephone interview held on April 2, 2008, details of which are discussed below. Reconsideration of this application is requested in view of the above amendments and the following remarks.

Before presenting arguments for patentability, Applicant will now summarize the telephone interview of April 2, 2008. This interview was conducted, via telephone, between Examiner Hussein El Chanti and Dr. Jeffrey Gluck, Applicant's undersigned representative. The focus of the interview was how the Office Action was reading various elements of the Karagiannis ("the '075 patent") on the various elements of Claim 1. Applicant's representative understood the Examiner's explanations as follows:

- First bearer setup request generator corresponds to the correspondent host 108 running an application (e.g., VoIP or multimedia session)
- Generating first application-level request corresponds to a request to communicate with mobile node 102
- Providing request to transport level entity corresponds to a request (must be) sent at transport level to the home agent 106, where the home agent 106 is being understood as the transport level entity
- First bearer setup request for requesting the selected bearer manager to create a bearer corresponds to a request being forwarded to foreign agent 104, which is being understood as being the bearer manager.
- First bearer setup request, when generated, is free of the network location of the selected bearer manager is interpreted as being implicit in reference; the correspondent node 108 does not know where the foreign agent 104 is because it does not know where the mobile node 102 is.

Claims 1-20 are now pending in this application, of which Claims 1 and 17 are independent claims. Claims 1 and 17 have been amended to import into the claims

descriptions of "bearer" and "bearer manager." These amendments are supported by the specification, for example, at page 3, lines 7-16 and page 10, lines 3-10.

At pages 2-7, the Office Action rejects Claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Karagiannis (U.S. Patent No. 6,925,075; hereinafter referred to as "the '075 patent"). These rejections are respectfully traversed for at least the following reasons.

Independent Claims 1 and 17 (and some of the dependent claims) refer to a "bearer manager." The amendments to Claims 1 and 17 incorporate portions of the specification to more clearly recite what is meant by a bearer manager, namely, that the bearer manager is "to control bearer setup and to create bearers," where a bearer refers to "a connection to at least a mobile node and including all factors that affect data transmission on the connection." Applicant is unable to locate in the cited passages of the '075 patent, or anywhere else in the '075 patent, anything that corresponds to the claimed bearer manager. Applicant will now proceed to review the discussion and citations found in the Office Action, to explain why this is so.

The Office Action, at page 7, states, "Kara teaches a system and method for initiating a real time session between correspondent node and a mobile device through a foreign agent where the foreign agent is responsible for setting up the session (see abstract). Therefore[,] examiner interprets the foreign agent to be the bearer manager." Applicant again respectfully submits that the Office Action appears to have misconstrued the cited reference.

First, the abstract of the '075 patent reads as follows:

> A correspondent host that needs to begin a real-time packet-data session with a mobile node sends a mobile IP binding request message to a home agent of the mobile node. The correspondent host does not send any further messages until it has received a binding update message in response to the binding request message. Upon receipt of the binding update message, the correspondent host knows a care-of address of the mobile node. A binding to the care-of address is created responsive to receipt of the binding update message. An RSVP PATH message is sent by the correspondent host responsive to receipt of the binding update message. The RSVP PATH message explicitly binds a data path of a packet flow to the mobile node. The correspondent host perceives a RSVP RESV message in response to the RSVP PATH message.

Abstract of the '075 patent. Nowhere in this abstract is a foreign agent (or bearer manager) even mentioned.

Second, as discussed, for example, in col. 6, lines 23-57 of the '075 patent, the foreign agent 104 merely relays RSVP-related messages back and forth between other nodes (in some cases, decapsulation, a form of re-formatting, is performed by the foreign agent). That is, there is no discussion of the foreign agent serving the function of controlling bearer setup and creating bearers, as claimed. At most, the discussion in the '075 patent reflects the use of the foreign agent as a mere relay node. **Therefore, it is respectfully submitted that the foreign agent cannot be equated to the claimed bearer manager.**

For at least these reasons, it is respectfully submitted that Claims 1 and 17, as well as their dependent claims, Claims 2-16 and 18-20, are allowable over the cited reference.

It is additionally noted that several features of the dependent claims could not be found anywhere in the '075 patent (for example, Applicant has not found any discussion in the '075 patent of the use of an Authentication Authorization Accounting (AAA) entity or protocol, as in Claims 4-14). Such further deficiencies in the '075 patent provide further reasons why various dependent claims are allowable over the cited reference.

Another particular deficiency of the '075 arises with respect to Claim 7. Claim 7 recites that:

> the communication network comprises a first network portion and at least a second network portion, the first network portion defining a home network of the communication node, and the second network portion defining a visited network portion, and wherein the at least the first application-level entity comprises a first application server and a second application server, the second application server also forming a portion of the application level, the second application server associated with the home network portion, said first bearer setup request generator to generate the first bearer setup request responsive to an application-level signal provided thereto.

That is, Claim 7 includes that "the first application-level entity comprises a first application server and a second application server" and discusses locations and roles of these application servers and the application-level entity and their relationships to each

other. The Office Action asserts that the '075 patent discloses the elements of Claim 7 at col. 7, lines 25-64. Applicant respectfully disagrees.

Col. 7, lines 25-64, reads as follows:

> The RSVP PATH message 318 is sent directly to the mobile node 102 by the correspondent host 108 because the correspondent host 108 now has the care-of address of the mobile node 102. If resources requested in the RSVP PATH message 318 can be supported by the mobile node 102, the correspondent host 108 receives the RSVP RESV message 320 from the mobile node 102.
>
> The RSVP PATH message 318 includes requirements for communication between the correspondent host 108 and the mobile node 102 via a Path E, so the Path E will be used for future communications between the correspondent host 108 and the mobile node 102 until a subsequent RSVP PATH message and RSVP RESV message are sent and received upon expiration of the soft states associated with the messages 318 and 320.
>
> If, in contrast to FIG. 3, the mobile node 102 is located in its home network, the home agent 106 will not send a binding update message 308 to the correspondent node 108 because the home agent 106 knows the that the mobile node 102 is not being served by a foreign agent. Therefore, the path followed by subsequent packet data will be the path on which resources are reserved in accordance with RSVP (e.g., the Paths A, B, and

C). In this situation, no inter-operability concerns between mobile IPv4 and RSVP are present.

FIG. 3 illustrates that resources reserved on the Paths A, B, and C will not be utilized by the application that began the RSVP packet-data session because of the binding update message sent by the home agent. In addition, quality of service requirements demanded by the application will not be satisfied because subsequent packets are sent via the Path D, on which no resources were reserved. Until the soft states expire and the correspondent host sends an RSVP PATH message directly to the mobile node to update the soft states, no reserved resources will be used for communications between the correspondent host and the mobile node. Interoperability between mobile IPv6 and RSVP is similar to interoperability of mobile IPv4 and RSVP. The main difference between mobile IPv4 and mobile IPv6 for purposes of embodiments of the present invention is that a foreign agent is not required in mobile IPv6.

The '075 patent at col. 7, lines 25-64. This passage discussed Fig. 3, providing details of communications among correspondent host 108, home agent 106, foreign agent 104, and mobile node 102. This passage includes no discussion of the structures of any of these elements, nor does it introduce any further network elements. In rejecting Claim 1, from which Claim 7 depends, the Office Action appears to interpret correspondent host 108 as corresponding to the first bearer setup request generator, associated with the first application-level entity (see Office Action at page 2), and this was confirmed during the

aforementioned telephonic interview. While Applicant does not necessarily agree with this interpretation, as noted in Applicant's earlier arguments (note, for example, pages 2-3 of the paper filed by Applicant on February 12, 2008, which discussion is incorporated by reference into this paper), even if the correspondent host may be interpreted as the claimed first bearer setup request generator (associated with the claimed first application-level entity), *Applicant is unable to find any teaching or suggestion in the cited passage of the '075 patent, or anywhere else in the '075 patent, regarding the first application-level entity comprising first and/or second application servers*. For at least these further reasons, Applicant believes that Claim 7, and its dependent claims (Claims 8-14) are allowable over the '075 patent.

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

Conclusion

Applicant believes that the above amendments and remarks address all of the grounds for rejection and that the application is in condition for allowance. Applicant, therefore, respectfully requests prompt and favorable consideration of this Amendment and Reply and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: April 4, 2008

Jeffrey W. Gluck, Ph.D.
Registration No. 44,457
Connolly Bove Lodge & Hutz LLP
1875 Eye Street NW, Suite 1100
Washington, DC 20006
Telephone: 202-331-7111
Direct Dial: 202-572-0322
Facsimile: 202-293-6229

JWG/bms
CB-602446